

**California Victim Compensation and Government Claims Board**  
**Open Meeting Minutes**  
**April 18, 2013, Board Meeting**

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Leslie Lopez, Deputy Secretary and General Counsel, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, April 18, 2013, at 10:02 a.m. Also present was Board member Richard Chivaro, Chief Counsel, acting for and in the absence of John Chiang, Controller. Board member Michael Ramos, San Bernardino County District Attorney, was absent.

Board staff present included Julie Nauman, Executive Officer; Kathy Cruz, Chief Deputy Executive Officer; and Wayne Strumpf, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

**Item 1. Approval of Minutes of the February 21, 2013, Board Meeting**

The Board approved the minutes of the February 21, 2013, Board meeting.

**Item 2. Approval of Minutes of the March 21, 2013, Board Meeting**

The Board approved the minutes of the March 21, 2013, Board meeting.

**Item 3. Public Comment**

The Board opened the meeting for public comment. No public comment was given.

**Item 4. Executive Officer's Statement**

Executive Officer Nauman reported CalVCP events and activities planned during the month of April in observance of California Crime Victims' Rights Month and Sexual Assault Awareness Month.

**California Victims' Rights Rally and March to the State Capitol**

CalVCP's theme for the month of April is "Facing New Challenges. Finding New Hope." In honor of California Crime Victims' Rights Month, CalVCP will host its Fourth Annual Victims' Rights Rally on Tuesday, April 23 at 10:00 a.m. at the CalPERS Courtyard across from headquarters. Secretary Anna Caballero, crime victims and survivors, advocates, and government officials and legislators will join keynote speaker California Attorney General Kamala Harris. Following the rally, will be the annual march to the State Capitol in support of crime victims' rights.

**Victims' Rights Digital Town Hall Meetings**

CalVCP will host two digital town hall meetings on April 24-25 from 10:00 a.m. – 12:00 p.m. Individuals are encouraged to join in the two-day digital town hall meetings via WebEX online meeting and take part in discussions on victims' rights and services with a panel of distinguished leaders on victim issues. Executive Officer Nauman will provide the introductions at both digital town hall meetings.

The two-hour session on Wednesday, April 24 will include discussions on *Human Trafficking and Sexual Assault* and *Barriers and Solutions for Victims*. The moderator will be Sacramento County District Attorney Jan Scully. Panel members will include Alex Snyder, Policy Director and Counsel, *Courage Worldwide*; Nilda Valmores, Executive Director, *My Sister's House*; Peggy Stapleton, Founder, *Christians Actively Demolishing Exploitation*; Celina Alveraz, Director, Crisis Support Services & Community Education, *Sexual Assault and Domestic Violence Center of Yolo County*; Albert Titman, Sr. CADC II, Behavioral Health Program Manager, *Sacramento Native American Health Clinic*; JoAnn Goodwin, Manager, *CalVCP*, and crime survivors.

The two-hour session scheduled on Thursday, April 25 will include discussions on *Domestic Violence and Physical Assault* and *Healing, Coping, Resources*. El Dorado County District Attorney Vern Pierson will be the moderator. Panel members will include Lieutenant Bisa French,

*Richmond Police Department*, Tara Shabazz, Executive Director, *California Partnership to End Domestic Violence*; Patricia Wenskunas, Founder, *Crime Survivors, Inc.*; Margaux Helm, MFT, Director of Programs and Services, *WEAVE*; Kimberly Buchholz, *Victims of Crime Resource Center*; Paul Durenberger, Domestic Violence Unit Supervisor, *Office of the Sacramento County District Attorney*; and Robin Foemmel-Bie, LCSW and Manager, *CalVCP*.

Participants will be encouraged to share methods used, offer best practices, and ask questions of the panelists. CalVCP will share viewer feedback and questions through the chat function, Facebook, and Twitter at hashtag #VRTownhall.

#### National Denim Day

CalVCP hosted its Third Annual Denim Drive that began on April 1 and will run through April 24, National Denim Day, the international symbol of protest against the 1999 Italian court ruling that overturned a rape conviction because the victim was wearing jeans. CalVCP is collecting new and gently used denim items including jeans, jackets, and shorts, among other items. Yesterday CalVCP hosted a Denim Drive Thru from 7:00 a.m. - 5:00 p.m. wherein individuals drove to headquarters and dropped off denim items. All donations will be dispersed to three nonprofit organizations that serve domestic violence and sexual assault victims and includes WEAVE, Yolo County Sexual Assault & Domestic Violence Center, and La Casa de las Madres. Last year CalVCP collected nearly \$3,300 in denim items to benefit WEAVE.

#### Item 5. Legislative Update

AB 235 (Gatto), VCGCB's first Government Claims Bill of 2013, will appropriate \$1,080,580.70 to pay 343 claims approved by the Board from May 2012 through December 2012. The bill is anticipated to be heard in the Assembly Appropriations Committee on May 1.

SB 369 (De Leon), the VCGCB's second Government Claims Bill of 2013, will appropriate funds to pay claims approved by the Board from January 2013 through April 2013.

SB 60 (Wright) expands eligibility for the CalVCP by adding elderly or dependent adult victims of financial abuse and victims of human trafficking to those eligible for compensation when no physical injury or threat of injury has occurred. It also allows eligible victims of financial abuse to receive compensation of up to \$2,000 for financial counseling expenses. The bill is scheduled to be heard in the Senate Appropriations Committee on April 22.

SB 580 (Leno) requires the VCGCB to administer a program to award, upon appropriation from the Restitution Fund by the Legislature, up to \$2 million in grants per year to trauma centers that provide victim services. The bill does not include an appropriation for this purpose. The bill is scheduled to be heard in the Public Safety Committee on April 23.

SB 618 (Leno) makes changes to the process by which the VCGCB considers claims for the compensation of erroneously convicted individuals of \$100 per day of incarceration. The provisions include setting timeframes for the consideration of a claim, removing the requirement that claimants prove they did not contribute to their own arrests or convictions, requiring a recommendation to pay without a hearing when a court has made specified findings on innocence, and changes to conform to public safety realignment. The bill is scheduled to be heard in the Public Safety Committee on April 23.

AB 423 (Torres) was gutted and amended last week. The bill now requires the California Department of Corrections and Rehabilitation to incorporate information on restitution owed by inmates into its Strategic Offender Management System and utilize that system to ensure that the VCGCB is provided accurate up-to-date information regarding unfulfilled restitution fines and orders. The bill is scheduled to be heard in the Public Safety Committee on April 23.

SB 762 (Hill) provides that when law enforcement seizes property as part of an illegal secondhand goods operation, remaining proceeds from forfeited goods are to be distributed with 90 percent going to local jurisdictions and 10 percent deposited into the Restitution Fund.

#### **Item 6. Government Claims Program**

##### **Consent Agenda (Nos. 1- 265)**

The Board adopted the staff recommendations for item numbers 1-265, with the following exceptions: item numbers 28, 44, and 197 were continued and item number 235 was removed from the agenda to allow the claimant an opportunity to address the Board.

##### **Consent Agenda Appearance**

##### **Item 235, G603658**

##### **Claim of Antonio Magaña**

Andrew Cervik, attorney, appeared and addressed the Board on behalf of Antonio Magaña. Mr. Cervik submitted a brief for the Board's review. Daniel Near appeared on behalf of the California Department of Transportation (Caltrans).

Nicholas Wagner, Government Claims Program Manager, explained that Antonio Magaña requested leave to present a late claim for compensation from Caltrans in an amount exceeding \$25,000 for personal injuries. Mr. Wagner stated that Government Claims Program staff recommended that the Board deny the late application for failure to meet the criteria required in Government Code section 911.6.

Chairperson Lopez stated that the Board received the brief shortly before the Board meeting began and explained that the brief was very fact intensive. Consequently, Chairperson Lopez recommended that the Board continue the claim to the next Board meeting to allow staff sufficient time to examine the chronology of events outlined in the brief as well as to provide Mr. Near an opportunity to review it. She asked Mr. Cervik and Mr. Near whether either objected to continuing the claim to the next Board meeting. Neither Mr. Cervik nor Mr. Near objected to the continuance.

The Board continued the claim to the May 16, 2013, Board meeting.

#### **Item 7. Claim of Iron Mountain**

Patrick Waters appeared and addressed the Board on behalf of the claimant. Sjon Woodlyn appeared and addressed the Board on behalf of the Department of Motor Vehicles.

Nicholas Wagner, Government Claims Program Manager, explained that Iron Mountain requested payment in the amount of \$3,000 from the Department of Motor Vehicles (DMV) for data storage services provided between October 1, 2011, and March 31, 2012. Mr. Wagner stated that Government Claims Program (GCP) staff recommended that the Board partially allow the claim in the amount of \$1,750, under authority of Government Code section 965 (agency pay).

Chairperson Lopez asked Mr. Waters and Mr. Woodlyn whether either had an objection to staff's recommendation partially allowing the claim in the amount of \$1,750.

Mr. Waters stated that he would accept the amount recommended by staff; however, Mr. Woodlyn stated that he objected to the recommended amount based on the notice date that Iron Mountain was given to discontinue services. He stated that the date did not coincide with the March 31, 2012, date that Iron Mountain sought damages. He further stated that Iron Mountain was noticed to discontinue services on January 18, 2012; therefore, DMVs recommended payment of \$875 represented the total damages due Iron Mountain.

Chairperson Lopez stated that it was her understanding that GCP staff calculated Iron Mountain's invoices through January 18, 2012, which is how staff arrived at \$1,750. She further stated that it was her understanding that DMVs calculation was based on 50 percent of the invoices through January 18, 2012.

Mr. Woodlyn explained that it was not 50 percent of the invoices. He explained that DMV and Iron Mountain shared a mutual relationship for several years and both DMV and Iron Mountain had an equal responsibility to notice each other.

Chairperson Lopez asked Mr. Woodlyn whether it was DMVs position that 100 percent of the invoices through January 18, 2012, amounted to \$875. Mr. Woodlyn agreed that \$875 represented 100 percent of the invoices.

Chairperson Lopez asked Mr. Wagner to clarify GCPs calculations of the recommended payment of \$1,750.

Mr. Wagner explained that GCP staff calculated the invoices through January 18, 2012, which totaled \$1,750. GCPs interpretation of DMVs recommendation of compensation to Iron Mountain in the amount of \$875 appeared to be based on a calculation of the invoices at 50 percent. Mr. Wagner added that DMV asserted that because Iron Mountain continued to provide services beyond of the contracted period, they should not be compensated at the full amount. Conversely, GCPs interpretation was that if the services were provided, then Iron Mountain should be compensated in full through January 18, 2012.

Chairperson Lopez asked Mr. Woodlyn whether it was DMVs position that \$875.00 represented payment of the invoices at 100 percent through January 18, 2012. Mr. Woodlyn stated that 100 percent of the invoices through January 18, 2012, amounted to \$1,750.

The Board partially allowed the claim in the amount of \$1,750.

#### **Item 8. Claim of PARC Environmental Construction**

Nicholas Wagner, Government Claims Program Manager, explained that PARC Environmental Construction requested compensation in the amount of \$127,353.51 from the California Department of Transportation for unpaid invoices. Mr. Wagner stated that Government Claims Program staff recommended that the Board partially allow the claim in the amount of \$110,720.44 under authority of Government Code section 965 (agency pay).

The Board partially allowed the claim in the amount of \$110,720.44.

#### **Item 9. Claim of Medical Center Convalescent Hospital**

Nicholas Wagner, Government Claims Program Manager, explained that Medical Center Convalescent Hospital requested reimbursement in the amount of \$267,027.70 from the California Department of State Hospitals for unpaid invoices. Mr. Wagner stated that Government Claims Program staff recommended that the Board partially allow the claim in the amount of \$266,670.01 under authority of Government Code section 965 (agency pay).

The Board partially allowed the claim in the amount of \$266,670.01.

#### **Item 10. Claim of AMEC Environmental & Infrastructure, Inc.**

Nicholas Wagner, Government Claims Program Manager, explained that AMEC Environment & Infrastructure, Inc. requested compensation in the amount of \$89,060.45 from the California Department of Transportation for unpaid invoices. Mr. Wagner stated that Government Claims

Program staff recommended that the Board allow the claim in the amount of \$89,060.45 under authority of Government Code section 965 (agency pay).

The Board allowed the claim in the amount of \$89,060.45.

**Item 11. Request for Delegation of Authority Under Government Code Section 935.6 by the California State Teachers' Retirement System**

Nicholas Wagner, Government Claims Program Manager, explained that the California State Teachers' Retirement System (CalSTRS) requested the Victim Compensation and Government Claims Board (Board) grant it delegated authority to settle and pay or reject claims that do not exceed \$1,000.00 each from May 1, 2013, through April 30, 2016. Mr. Wagner stated that Government Claims Program staff recommended that the Board approve the request by CalSTRS.

The Board approved the request.

**Item 12. Applications for Discharge From Accountability for Collection**

Nicholas Wagner, Government Claims Program Manager, stated that the Government Claims Program staff recommended that the Board approve 44 requests by state agencies for discharge from accountability for collection of debt totaling \$180,812,820.52.

The Board approved the 44 requests to discharge from accountability for collection of debt totaling \$180,812,820.52.

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 10:21 a.m.

**Closed Session**

Pursuant to Government Code section 11126(c)(3), Chairperson Lopez and Board member Chivaro adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 10:21 a.m. to deliberate on the proposed decisions numbers 1-315.

**Open Session**

The Board reconvened into open session at 10:24 a.m. The Board adopted the proposed decisions for numbers 1-315, with the exception of number 292 (A12-3965134), which was referred back to staff for further action.

The Board meeting adjourned at 10:24 a.m.